**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No.22758 of 2006**

**Dated: 03.11.2006**

Between:

**Matta Venkata Ramana.**

**.... PETITIONER**

AND

The Depot Manager, APSRTC, Tuni Depot, East Godavari District and another.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No.22758 of 2006**

**ORDER**

Questioning the proceedings dated 25.09.2006 of the 1st respondent-APSRTC, wherein the petitioner was placed under suspension pending enquiry on the alleged misbehavior with the Deputy Superintendent (T), Tuni and refusal in performing his duties, the present writ petition is filed.

2. Learned counsel for the petitioner submits that the petitioner never misbehaved with the Deputy Superintendent and refused to perform his duties and there is no material either to suspend the petitioner or to initiate any disciplinary proceedings against him. He further submits that the impugned suspension order was issued to the petitioner with a *mala fide* intention to victimize him, and therefore, the impugned order be set aside and the petitioner be reinstated into service.

3. In service jurisprudence suspension pending enquiry is not a punishment. In the enquiry, if the charges leveled against the petitioner are not proved, his suspension will be revoked and he will be paid all the consequential benefits. Hence, it is not proper for this Court to interfere with the order of suspension pending

enquiry, and more so when suspension pending enquiry is not a punishment.

4 . However, the petitioner is at liberty to submit his explanation to the impugned suspension order, and if the petitioner submits his explanation, the respondents shall consider the case of the petitioner for revocation of suspension in the light of the material available on record.

5. With the observations as above, the writ petition is disposed of. No costs.

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**N.V. RAMANA, J.**

Date: 03.11.2006

sj/nsr